

REMARKS

Claims 1, 3, 4, 6-36, 51, 52, 55, and 57-60 are pending, with claims 1, 4, 22, 34, 51, and 55 being independent. Claims 1, 4, 22, and 55 have been amended. Support for the amendments can be found in the originally-filed specification, at least in Figs. 1-5 and 12. No new matter has been introduced.

Claim Rejections

Claims 1, 3, 6, 7, 9, 12, 13, 16-18, 55, and 57 have been rejected as being unpatentable over Mollenauer in view of Beyer et al. Applicant requests withdrawal of this rejection for the following reasons.

Independent claim 1 recites a suturing device including a handle extending along an axial direction, an elongated shaft attached to a distal end of the handle, and a sharpened tip on a distal end of the elongated shaft. The sharpened tip including an exposed, tapered, and closed opening that is continuously tapered along a length of the opening from a distal closed edge to a proximal closed edge and is configured to trap a suture at a selected point within the opening and to permit the suture to pass lengthwise through the opening.

Independent claim 55 recites a suturing device including a handle extending along an axial direction, an elongated shaft attached to a distal end of the handle, a sharpened tip on a distal end of the elongated shaft, and a suture coupled with the sharpened tip. The sharpened tip has a piercing portion configured to pierce tissue during a suturing procedure and has an exposed, tapered, and closed opening, where the opening is continuously tapered along a length of the opening from a distal closed edge to a proximal closed edge. The suture has a suture portion extending outward from the sharpened tip to permit the suture to be grasped and manipulated relative to the sharpened tip, the suture portion disposed to be carried by the sharpened tip through tissue which has been pierced by the piercing portion. The opening is configured to permit the suture to pass lengthwise through the opening.

Neither Mollenauer, Beyer, nor any proper combination of the two describes or suggests a sharpened tip at a distal end of an elongated shaft and having an exposed and closed opening that is **continuously tapered along a length of the opening** from a distal closed edge to a proximal closed edge, as recited in claims 1 and 55.

Accordingly, for at least these reasons, claims 1 and 55 are allowable over Mollenauer. Claims 3, 6, 7, 9, 12, 13, and 16-18 depend from claim 1, and are allowable for at least the reasons that claim 1 is allowable and for containing allowable subject matter in their own right.

Claim 4 has been rejected as being unpatentable over Mollenauer in view of Orthwine et al. Applicant requests withdrawal of this rejection for the following reasons.

Claim 4 recites a suturing device including a handle extending along an axial direction, an elongated shaft attached to a distal end of the handle, and a sharpened tip on a distal end of the elongated shaft. The sharpened tip includes an exposed and closed opening that includes an open central axial region in which the central axial region is narrower than proximal and distal edge regions along a direction perpendicular to the axial direction to trap a suture at a selected point within the opening and to permit the suture to pass lengthwise through the opening.

Applicant requests withdrawal of the rejection of claim 4 because neither Mollenauer, Orthwine, nor any proper combination of the two describes or suggests such an **open** central axial region in which the central axial region is narrower than proximal and distal edge regions. Mollenauer's aperture 108 lacks a tapered configuration. Moreover, while Orthwine's eye has a taper, it is not designed with an open central axial region; the side arms 2 and 3 are engaged to form a closed central axial region.

Claims 21-24, 27-29, and 31 have been rejected as being unpatentable over Mollenauer in view of Beyer and Yoon. Applicant requests withdrawal of this rejection for the following reasons.

Claim 21 depends from claim 1, which was rejected as being unpatentable over Mollenauer in view of Zocher. As discussed above, neither Mollenauer, Beyer, nor any proper combination of the two describes or suggests a sharpened tip at a distal end of an elongated shaft and having an exposed and closed opening that is continuously tapered along a length of the opening from a distal closed edge to a proximal closed edge, as recited in claim 1. Yoon does not remedy the failure of Mollenauer and Beyer to describe or suggest this subject matter.

Yoon relates to a needle 10 having a sharp tip 12, a curved body 14, and a proximal end 16. See Yoon at col. 4, lines 61-64 and Fig. 1. The needle 10 also includes a groove 22 formed in a convex side of the needle leading to a blind hole 24, where the groove 22 holds an end of suture material by friction or adhesive. See Yoon at col. 4, line 65 to col. 5, line 14 and Fig. 1. However, Yoon's sharp tip 12 lacks an exposed and closed opening that is tapered as recited in

claim 1. Accordingly, claim 1 is allowable over any proper combination of Mollenauer, Beyer, and Yoon, and claim 21 is allowable for at least the reasons that claim 1 is allowable.

Independent claim 22 recites a suturing device including a handle extending along an axial direction, an elongated shaft attached to a distal end of the handle at a proximal end of the shaft, and a detachable needle at a distal end of the shaft. The needle has a side closed through hole into which a suture is attached and the closed through hole is continuously tapered along a length of the through hole from a distal closed edge to a proximal closed edge. Applicant requests withdrawal of this rejection because neither Mollenauer, Beyer, Yoon, nor any proper combination of the three describes or suggests a detachable needle at a distal end of an elongated shaft and having a side closed through hole into which a suture is attached and **wherein the closed through hole is continuously tapered along a length of the through hole from a distal closed edge to a proximal closed edge**, as recited in independent claim 22.

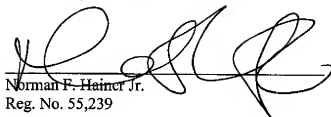
Accordingly, claim 22 is allowable over any proper combination of Mollenauer, Beyer, and Yoon. Claims 23, 24, 27-29, 31, and 59-60 depend from claim 22, and are allowable for at least the reason that claim 22 is allowable and for containing allowable subject matter in their own right. For example, claim 27 recites that the detachable needle is curved at least partially about a distal end of the shaft. None of the cited references describes or suggests a detachable needle that is curved at least partially about a distal end of the shaft.

Applicant does not acquiesce to the characterizations of the art. For brevity and to advance prosecution, however, Applicant may have not addressed all characterizations of the art, but reserve the right to do so in further prosecution of this or a subsequent application.

The absence of an explicit response by the Applicant to any of the Examiner positions does not constitute a concession of the Examiner's positions. The fact that Applicant's comments have focused on particular arguments does not constitute a concession that there are not other good arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend. Please apply any charges or credits to Deposit Account No. 192563.

Respectfully submitted,

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